

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )              Case No. 4:23 CR 274 RWS-JSD  
                               )  
MACE ANTHONY NOSOVITCH, )  
                               )  
Defendant.                 )

**ORDER**

On April 2, 2025, this Court scheduled an evidentiary hearing for Defendant's Motion to Suppress Statements (ECF No. 61) and oral argument on Defendant's Motion to Dismiss Count One (ECF No. 59) for June 10, 2025 at 9:30 a.m. On May 9, 2025, the United States of America filed a Motion to Dismiss Count One of the Indictment (ECF No. 144) and a Notice of Intent Not to Use Defendant's Recorded Interview at Trial (hereinafter, "Notice"; ECF No. 145). In the Notice, the United States of America stated that it will not introduce the Defendant's interview with law enforcement at trial, making Defendant's Motion to Suppress Statements (ECF No. 61) moot. On May 12, 2025, the District Court granted the United States of America's Motion to Dismiss Count One of the Indictment. (ECF No. 146)

On May 19, 2025, Defendant filed a Motion to Withdraw Defendant's Previously Filed Motion to Dismiss Count One (ECF No. 147) and Motion to Withdraw Defendant's Previously Filed Motion to Suppress Statements (ECF No. 148). Defendant's remaining pretrial motions are his Motion to Suppress Evidence (Residence) (ECF No. 63), Motion to Suppress Evidence (Autos) (ECF No. 65), and Motion to Suppress Evidence (Jail Calls, Jail Texts, Etc.) (ECF No. 67)

The Court hereby grants Defendant's Motion to Withdraw Defendant's Previously Filed Motion to Dismiss Count One (ECF No. 147) and Motion to Withdraw Defendant's Previously Filed Motion to Suppress Statements (ECF No. 148). The Court cancels the evidentiary hearing, previously scheduled for June 10, 2025 at 9:30 a.m., but instead schedules oral argument for that time regarding the pending Motion to Suppress Evidence (Jail Calls, Jail Texts, Etc.) (ECF No. 67).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Withdraw Defendant's Previously Filed Motion to Dismiss Count One (ECF No. 147) and Motion to Withdraw Defendant's Previously Filed Motion to Suppress Statements (ECF No. 148) are **GRANTED**. Defendant's Motion to Dismiss Count One (ECF No. 59) and Motion to Suppress Statements (ECF No. 61) are **WITHDRAWN**.

**IT IS FURTHER ORDERED** that the Court will hold an oral argument as to Defendant's Motion to Suppress Evidence (Jail Calls, Jail Texts, Etc.) (ECF No. 67) on **June 10, 2025 at 9:30 a.m.** The evidentiary hearing previously set for June 10, 2025 at 9:30 a.m. is **VACATED**.

**IT IS FURTHER ORDERED** that this matter will be deemed fully submitted after June 10, 2025.

**IT IS FINALLY ORDERED** that the undersigned is setting oral argument as to Defendant's Motion to Suppress Evidence (Jail Calls, Jail Texts, Etc.) (ECF No. 67) at the first opportunity and such additional time allows the Court adequate opportunity for the parties to brief and for the Court to consider Defendant's Pretrial Motions. Therefore, taking into account the exercise of due diligence, and finding that the ends of justice served by the scheduling of this

hearing outweigh the best interest of the public and Defendant in a speedy trial, the additional time is granted for the Court to consider Defendant's Pretrial Motions, and this extension is excluded from computation of the time for a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).



JOSEPH S. DUEKER  
UNITED STATES MAGISTRATE JUDGE

Dated this 19th day of May, 2025.